

**United States Senate**  
WASHINGTON, DC 20510-3201

COMMITTEES:  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
HEALTH, EDUCATION, LABOR,  
AND PENSIONS  
INTELLIGENCE  
SMALL BUSINESS

January 8, 2001

Senator Jesse Helms  
403 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Jesse,

As we begin both a new Congress and Administration, I hope that we might be able to develop a workable system for filling judicial, U.S. Attorney and U.S. Marshal vacancies. I believe there is an urgent need to work out such an arrangement. The next two years will bring us many vacancies in these positions. As you know, either of us can block appointments to these posts, but it is in the interest of our state that we work out a system where neither of us is forced to resort to such drastic measures.


In fact, if we follow the example of many of our colleagues, we can achieve real bipartisan effectiveness. States as diverse as Vermont (Jeffords-Leahy), Illinois (Durbin-Fitzgerald), New York (D'Amato-Moynihan), Washington (Gorton-Murray), Wisconsin (Kasten-Kohl) and Florida (Graham-Mack) have benefitted greatly from the systems worked out by their Senators for filling judicial, U.S. Attorney and U.S. Marshal vacancies. The Democratic and Republican Senators from these states have used a variety of techniques for filling vacancies, from joint commissions to alternating picks. I believe we can find a useable model from among these Senators and states.

North Carolina has not had a new federal judge confirmed to the bench since October 1994. As I am sure you know, North Carolina currently has three unfilled seats on the Fourth Circuit – vacancies that are one, six, and ten years old. It has had one vacant Eastern District Court seat for more than three years. Judge James Fox of the Eastern District has indicated that he will take senior status on January 31, thereby creating a second vacancy in that district. Judge Robert Potter in the Western District recently retired. Although his retirement does not create a vacancy, it increases the burden on the remaining judges in a district where the Judicial Conference has recommended the creation of two new judgeships. Moreover, with the new Administration in place, we will need to appoint three new U.S. Attorneys and may need to appoint new U.S. Marshals.

Our state depends upon the prompt and fair administration of justice. The criminal laws must be enforced. Civil disputes must be settled. The U.S. Attorneys, U.S. Marshals and judges

who oversee our justice system are vital to the performance of these tasks. We should not unnecessarily delay their appointment. I sincerely hope that we will be able to develop a practicable system for filling these vacancies. I look forward to working with you.

Yours sincerely,

A handwritten signature in blue ink, reading "John Edwards". The signature is fluid and cursive, with the first name "John" being more prominent and the last name "Edwards" following in a similar style. The signature is positioned above the printed name "John Edwards".

John Edwards